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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	IN EQUITY NO. C-125-RCJ
	)	Subproceedings: C-125-B
Plaintiff,	)	3:73-CV-00127-RCJ-WGC
	)	
WALKER RIVER PAIUTE TRIBE,	)	
	)	
Plaintiff-Intervenor,	)	<b>JOINT RESPONSE TO THE</b>
vs.	)	<b>[PROPOSED] SUPPLEMENTAL CASE</b>
	)	<b>MANAGEMENT ORDER</b>
WALKER RIVER IRRIGATION DISTRICT,	)	
a corporation, et al.,	)	
	)	
Defendants.	)	
_____	)	

On March 15, 2013, the Court issued its *[Proposed] Supplemental Case Management Order (No. 1)* (Dkt. # 1855) (Proposed Order). Subsequently, the United States of America

(United States), the Walker River Tribe, the Walker River Irrigation District (WRID), and other parties have reviewed the Proposed Order. The United States and WRID offer the suggestions outlined in the paragraphs below for the Court's consideration.

### **Suggestion 1**

For paragraph 3.a of the Proposed Order, the United States and WRID suggest that the following language be inserted (appearing here in underline):

- a. Once the United States and the Tribe have completed service (including publication) and at a date to be identified by the court, defendants shall submit any motion authorized by Rule 12(b) of the Federal Rules of Civil Procedure that they wish to file. Such motions made under Rule 12(b)(1)-(5) shall address all Tribal and Federal Claims asserted by the United States and Tribe in the First Amended Counterclaim of the United States of America (July 31, 1997; Doc. # B- 59) and the First Amended Counterclaim of the Walker River Paiute Tribe (Doc. B-58), too. For motions made under Rule 12(b)(6) or (7), such motions shall address all Tribal and Federal claims to the extent that such motions apply to any or all such claims.

### **Suggestion 2**

For paragraph 3.b of the Proposed Order, the United States and WRID suggest that the following language replace the language in the current draft of the Proposed Order:

- b. When the Court considers establishing the date for commencement of motion practice, the Court and the parties will consider how filings can be coordinated so as to minimize redundant or overlapping filings.

### **Suggestion 3**

For paragraph 3.c of the Proposed Order, the United States and WRID suggest that the following language be inserted (appearing here in underline):

- c. When motions are filed, they will be supported by a memorandum of points and authorities. Once any such motions have been filed, the court will promptly meet with the parties and determine the schedule(s) for responsive points and authorities and replies thereto, based, in part, on the number of motions filed and the number of issues raised. No responsive memoranda to any such motion or replies in support thereof shall be required until the court conducts a status conference and issues a scheduling order with respect to such motions.

#### **Suggestion 4**

For paragraph 7 of the Proposed Order, the United States and WRID suggest that the following language be inserted (appearing in the body of the paragraph below in underline):

7. Motions

Except as otherwise described in this Supplemental CMO and until further order of the court, no other substantive/dispositive motion shall be filed without leave of court and without a certificate that the movant has conferred with opposing counsel in a good-faith effort to resolve the matter without court action.

#### **Suggestion 5**

For footnote 1 of the Proposed Order, the United States and WRID suggest that the following language be inserted (appearing in the body of the paragraph below in strike-through and underline):

Footnote 1: Accordingly, ¶¶ 12, 15, 16, and 17 of the CMO ~~is~~ are deleted in ~~its~~ their entirety

#### **Suggestion 6**

With respect to paragraph 3.d of the Proposed Order, the United States and WRID would like the opportunity to further discuss with the Court the language of the paragraph at the scheduled April 11<sup>th</sup> telephonic conference to discuss the Proposed Order. No suggestions are proposed concerning the paragraph at this time.

#### **Conclusion**

The paragraphs outlined above contain the suggestions that the United States and WRID have for the Proposed Order at this time. The United States and WRID request that they, and all parties, be given the opportunity to add further explanation and comment with respect to the suggestions made here at the schedule April 11<sup>th</sup> conference.

Dated: March 22, 2012

Respectfully submitted,

For the United States of America

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22th day of March, 2013, I electronically filed the foregoing **JOINT RESPONSE TO THE [PROPOSED] SUPPLEMENTAL CASE MANAGEMENT ORDER** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case;

and I further certify that I served a copy of the forgoing to the following non CM/ECF participants by U.S. Mail, postage prepaid, this 22th day of March, 2013:

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